

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 11,597
)	
Appeal of)	

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare that the petitioner was overpaid food stamps due to Department error. The issue is whether the petitioner will be held liable for the overpayment.

FINDINGS OF FACT

The facts are not in dispute. From February 1 to September 30, 1992, the petitioner was overpaid food stamps in the amount of \$1,064.00. The Department admits that the overpayment resulted solely from the Department's own error. The Department also admits that under the regulations (see below) it cannot recoup this overpayment involuntarily from the petitioner's ongoing benefits. Despite these assurances, the petitioner appealed to make sure that the overpayment would not be held against her anytime in the future.

ORDER

The Department's decision that the petitioner is not liable to repay the overpayment is affirmed.

REASONS

The petitioner indicated that she pursued this appeal to ensure that the overpayment described above would not be held

against her in the future. Under the pertinent regulations the Department cannot involuntarily recoup overpayments that resulted from its own "administrative error". Food Stamp Manual § 273.18. The petitioner can rest assured that her ongoing benefits will not be affected by the fact that this overpayment occurred.

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